United Nations DP/2010/26

Executive Board of the
United Nations Development
Programme and of the
United Nations Population Fund

Distr.: General
30 March 2010

Original: English

Annual session 2010
21 June to 2 July 2010, Geneva
Item 7 of the provisional agenda
Report of the Ethics Office of UNDP

UNDP: activities for 2009

Report of the Ethics Office

Summary

This second report on the activities of the UNDP Ethics Office is submitted to the Administrator pursuant to Secretary-General's Bulletin on United Nations system-wide application of ethics: separately administered organs and programmes (ST/SGB/2007/11). It is also submitted to the Executive Board pursuant to decision 2008/37, paragraph 10. The report conforms to the agreed framework adopted by the United Nations Ethics Committee and was reviewed by the Committee at its 19th session, on 22 February 2010.

The present report provides an overview of the activities of the Ethics Office from 1 January to 31 December 2009. During this period, the Office responded to more than double the number of requests that it had received in the last reporting period. The prioritization of communication between the Office and UNDP personnel about its mandate and work may have contributed to this.

The bulk of requests related to ethics advice. Based on those, and the feedback received, the Ethics Office reaffirms the importance of the values defined in the Code of Ethics for United Nations Personnel -- namely independence, loyalty, impartiality, integrity, accountability, and respect for human rights -- for UNDP personnel in carrying out their daily work. Safeguarding the independence, impartiality, and competence of international civil servants as agents of social change, should contribute to organizational credibility and public trust that is basic to the work of UNDP in supporting the achievement of the Millennium Development Goals.

Elements of a decision

The Executive Board may wish to take note of this report and comment on the development of the ethics function and its contribution to the mission and mandate of UNDP.

10-29919 (E) 220410

Contents

Chapter		*Page*
I.	Introduction	3
II.	Administrative activities	4
III.	Mandated activities	6
	A. Standard-setting and policy support	6
	B. Training, education and outreach	8
	C. Advice and guidance	10
	D. Financial disclosure policy	12
	E. Protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations	15
IV.	United Nations Ethics Committee	15
V.	Conclusion	17

Figures

1. Overview of the Ethics Office action plan 2009-2011	5
2. Numbers of requests for 2009 compared to 2008	6
3. Requests for 2009 by gender	6
4. Geographic distribution of training and briefings	9
5. Advice requests by category	11
6. Staff who filed for 2008 by rank	12
7. Staff who filed for 2008 by function	13
8. Staff who filed for 2008 by location	13
9a. Overview of requests for protection against retaliation	16
9b. Review of retaliation cases from 2008	16

I. Introduction

1. This report covers the period from 1 January to 31 December 2009. Highlights of the results achieved by the Ethics Office, in collaboration with relevant offices, include the following:

(a) *Standard-setting and policy support*. The Ethics Office provided input to a number of relevant corporate policies and guidelines that were updated. It extracted, and placed in a stand-alone policy, provisions for protecting staff against retaliation from the UNDP Legal Framework for Addressing Non-compliance with United Nations Standards of Conduct.[1] Moreover, the Ethics Office prioritized communication with UNDP management and staff on its mandate and core activities. This focus on communication may have contributed to the 110 per cent increase in requests – 392 in 2009, up from 186 in 2008[2]. The Office also expanded its Intranet website to better communicate the UNDP standards of conduct and provide information on its work;

(b) *Training*. The number of UNDP staff and other personnel[3] who received face-to-face ethics workshops increased from 180 in 2008, to around 1,400 in 2009. Many of these workshops were carried out with the Office of Human Resources (OHR) Learning Resource Centre (LRC). Of the 50 sessions delivered, 31 were facilitated with peer trainers – staff members who received 'training of trainer' sessions in 2009. The Ethics Office also customized modules for two functional groups (procurement and legal) in collaboration with the chair of the advisory committee on procurement and the Director of the Legal Support Office (LSO);

(c) *Confidential advice*. There was a sharp increase in requests for advice, from 89 in 2008 to 225 in 2009. The biggest category of requests was related to 'outside activities', compared to 'employment-related concerns' in 2008;

(d) *Financial disclosure*. With technical support provided by the Office of Information Systems and Technology (OIST), 100 per cent of the 1,774 staff members required to file have filed for 2008. The Ethics Office responded to 2,041 e-mails and numerous telephone calls about filing requirements. The Office is in various stages of reviewing 5,089 filed statements for the 2006, 2007 and 2008 transaction years[4]. The Ethics Office and OIST commissioned a 'fit-gap' analysis of the online filing application to improve filing and review procedures. In addition, the Office has followed up with LSO and/or the Office of Audit and Investigation (OAI) on 11 cases of non-compliance with the filing requirement in 2006 and 2007;

(e) *Protection against retaliation*. The Ethics Office reviewed eight complaints of retaliation. One complaint, falling outside its mandate, was referred to the appropriate office. Two related complaints of threatened retaliation were resolved through the intervention of a relevant office. Of the remaining five complaints, there was no prima facie finding in one case while the Ethics Office found four prima facie cases that were referred to OAI for investigation. Of the four referred cases, the Office determined no retaliation in one, and is awaiting the outcome of the investigation for the remaining three.

[1] Currently, the UNDP policy on protection against retaliation remains substantively unchanged. It will be revised in line with the outcome of the current review by the United Nations Ethics Committee.

[2] This increase is based only on requests not associated with financial disclosure filing exercises.

[3] In some sessions at country offices, individual contractors of UNDP and the staff and personnel of other United Nations organizations were included.

[4] Staff members filed 5,080 statements during the annual exercises, and the Ethics Office received nine late statements. These late statements were filed after follow-up by the Ethics Office and OAI, making a total of 5,089 statements.

2. The highlighted results are within the terms of reference of the Ethics Office[5], which the Administrator established as internally independent in December 2007, in order to "...cultivate and nurture a culture of ethics, integrity and accountability, and thereby enhance the trust in, and the credibility, of the United Nations, both internally and externally."[6]

II. Administrative activities

3. The Ethics Office undertook strategic planning, assisted by the Bureau of Management (BOM) Management Consulting Team and a pro-bono consultant, to set a medium-term direction for carrying out its mandate and defining parameters for its annual workplans. The resulting Ethics Office action plan 2009-2011, with the input of relevant offices, is designed to support the goals of the UNDP strategic plan 2008-2011 (extended to 2013) and is aligned with UNDP accountability framework and Human Resources in UNDP: A People-Centered Strategy 2008-2011. Figure 1 provides an overview of annual themes and sub-themes of proposed activities by year and functional areas and activities already carried out in 2008.

4. In addition to planning, the staffing of the Ethics Office was strengthened. In November 2009, the Government of Spain contributed a junior professional officer who is assisting and receiving training in financial disclosure and other work of the Office. This post at the P2 level, is in addition to the existing D1, P5 and G6 team. From the approved allocation of $200,000 for general operating expenses for 2009, the Office retained the services of a firm to facilitate ethics training, a part-time training consultant to coordinate the logistics of training events, a short-term communications consultant (for an outreach video), two seasonal financial disclosure administrative support consultants, and a short-term financial disclosure review consultant.

5. The staff of the Ethics Office undertook in-house and external training to maintain their professional competence and upgrade their technical skills, where warranted. For example, to better carry out the review of filed statements for financial disclosure, the staff undertook training in audit software. To keep abreast of latest developments, one staff member attended a financial disclosure review workshop.[7] The 10th Conference of International Investigators was an occasion to participate in a workshop of ethics officers from international organizations and review latest developments in investigations, including investigations into whistleblower retaliation complaints. In December, the Ethics Office held its first retreat to consolidate technical skills, foster better team work, and undertake annual work planning.

6. Moreover, the Ethics Office was included for the first time in the 2009 UNDP Products and Services Survey. Respondents were asked to rank: (a) the relevance to local context; (b) timely delivery; and (c) results-oriented solutions of confidential advice and financial disclosure. Fine tuned, this annual survey could be a valuable means of gauging perceptions of these two activities[8].

---

[5] See ST/SGB/2007/11, United Nations system-wide application of ethics: separately administered organs and programmes, section 3, terms of reference: (a) Develop standards, training and education on ethics issues; (b) Provide guidance to management to ensure the rules, policies, procedures and practices of the organization reinforce and promote the standards of integrity required by the Charter of the United Nations; (c) Provide confidential advice and guidance to staff on ethical issues; (d) Serve as a focal point for raising staff awareness on ethical standards and expected behavior; (e) Undertake assigned responsibilities for the protection of staff against retaliation for having reported misconduct and for having cooperated with duly authorized audits or investigations; (f) Administer the financial disclosure policy, (except for those staff members at the Assistant Secretaries-General level and above, who disclose to the Secretariat Ethics Office); and (g) Provide to the executive head an annual report on its activities.

[6] Ibid, paragraph 1.1

[7] The Ethics Office also took part in a panel on financial disclosure at the annual conference of the Council on Governmental Ethics Laws in December 2008.

[8] See http://practices.undp.org/management/corporate-surveys/hq-ps-surveys/2009-hq-ps-survey-results.cfm for survey results.

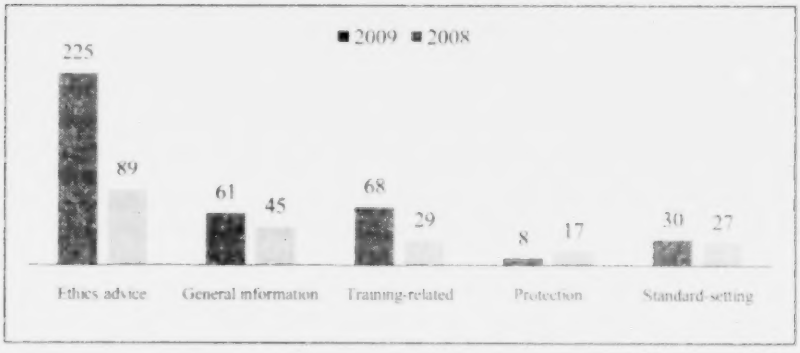
Figure 1. Overview of the Ethics Office action plan 2009-2011

Functional area	2008 Establishment	2009 Communication	2010 Institutionalization	2011 Review
1. Standard-setting and policy support	Established procedures under major policy areas	Raised awareness and clarified policy areas	Create a base of financial disclosure policy focal points, training-of-trainer networks and other partners with technical knowledge and sense of ownership of ethics policies	Assess impact of ethics policies and performance of the Ethics Office
2. Training, education and outreach	Finalized and implemented mandatory online training and introduced face-to-face ethics workshops into existing induction programmes	Clarified the role, products, and services of the Office through public information material and increased delivery of face-to-face workshops	Provide peer training, customized training curricula for specific functional groups and ethics component in other training initiatives	Review curricula and training material to improve content and accessibility in UNDP working languages
3. Confidential advice and guidance	Established advisory service	Systematized provision of advice with United Nations system-wide standards and through gifts registration and permission for outside activities forms	Multiply effects of provision of basic advice through the training-of-trainer network, financial disclosure policy focal points, and other interested parties (OHR business advisers, for example) Ensure uniformity and consistency of advice within UNDP	Review quality of advice provided and improve advisory services
4. Financial disclosure policy	2007 financial disclosure exercise completed with a compliance rate of 99.9 per cent	Improved communication on the purpose of financial disclosure policy and established channels with filers for review purposes	Expand the role and training of financial disclosure policy focal points on answering basic financial disclosure policy-related questions Introduce improvements in online filing system (preload previous year's filed data, accessible in the web application for year-round updating, new screen for reports) Streamline the number of filers to better define risk groups	Benchmark UNDP policies and practices on financial disclosure against other ethics offices in the United Nations system as well as other comparable jurisdictions
5. Protection against retaliation	Established procedures for ongoing review of complaints of retaliation	Promoted better understanding of the protection procedures and facilitated access by staff through intake form	Create conditions to increase acceptance by management and staff of Ethics Office recommendations Consult on and revise UNDP protection policy to harmonize with United Nations system-wide framework	Benchmark UNDP retaliation policies and procedures against other ethics offices in the United Nations system as well as other comparable jurisdictions

III. Mandated activities

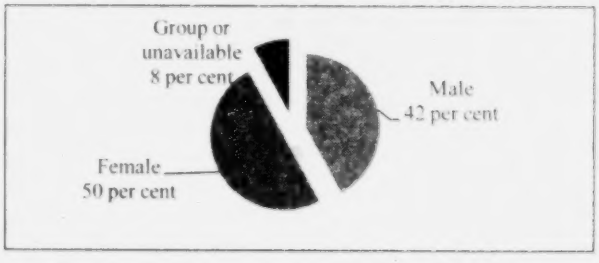
7. As noted earlier, the second year of the Ethics Office was characterized by a significant increase in the number of requests that more-than doubled from the first year. These requests are classified as follows: ethics advice (225), general information (61), training related (68), protection against retaliation for reports of wrongdoing (8), and standard-setting (30). Noteworthy is the 663 per cent increase[9] in the number of personnel who received ethics training and the 153 per cent increase in advice. Figure 2 presents a breakdown of the number of requests received in 2009, compared to 2008.

Figure 2. Numbers of requests for 2009 compared to 2008



8. From available data, the gender breakdown of those requesting assistance can be made, except in cases of group or anonymous inquiries. As shown in Figure 3, the gender breakdown is 50 per cent female, 42 per cent male and 8 per cent group or unavailable.

Figure 3. Requests for 2009 by gender



A. Standard-setting and policy support

9. The Ethics Office worked with various offices in BOM and OAI in clarifying the application of relevant staff and financial regulations and rules that make up the standards of conduct for UNDP staff[10]. The Office separated out the provisions for the protection of staff against retaliation for having reported wrongdoing from the UNDP legal framework. It also sought to harmonize the

[9] The 2008 data are taken from the 2008 Annual Report of the UNDP Ethics Office which covered a period of 13 months, from 1 December 2007 to 31 December 2008.

[10] ST/SGB 2002/13: Status, Basic Rights and Duties of United Nations Staff Members, issued as circular UNDP/ADM/2002/58.

application of the standards of conduct with system-wide practices through the United Nations Ethics Committee[11]. The Ethics Office expanded its Intranet website and adapted existing brochures and intake forms to better inform staff members of UNDP standards of conduct and resources at their disposal. It also responded to staff suggestions of posting frequently asked questions on its website, and providing more information about its mandate in brochures[12].

Clarification of UNDP standards of conduct

10. Based on requests for advice and feedback, the Ethics Office identified two policy areas requiring clarification: (a) outside activities; and (b) the receipt of honours, gifts or remuneration. Regarding one specific aspect of outside activities, the Office worked with OHR, the Office of Communications, and the Bureau for Development Policy to clarify procedures for staff requesting approval to publish material in their private capacity. The new procedures proposed vetting by the Ethics Office for potential conflicts of interest, and by the substantive office for any programmatic concerns, prior to approval by OHR. The proposal was reviewed by the UNDP management group and incorporated into the overall publications policy for UNDP. The Ethics Office consulted with LSO, OHR, the Administrative Services Division (ASD), and OAI on clarifying procedures for the receipt, registration, storage and proper disposal of gifts to the organization, or gifts to staff that may cause embarrassment if returned. It also consulted with the staff council regarding potential disposal mechanisms, including raffling at events for the benefit of staff or for donation to charities. These procedures will be reviewed for harmonization with the recently-issued Secretariat administrative issuance on the topic[13]. In fact, the Ethics Office, as well as other offices in UNDP, were consulted on changes to the Secretariat's administrative issuances on outside activities and on honours, gifts or remuneration. A global information campaign regarding the changes will be launched for UNDP staff in 2010.

11. Furthermore, to better inform staff about policy requirements and provide guidance on the newly clarified procedures, the Ethics Office adapted two intake forms from the United Nations Ethics Office for use by UNDP staff – the 'request for approval of an outside activity' form, and the 'gift declaration and registration' form. The outside activity form is used to vet for potential conflicts of interest between the official status and functions of a staff member and a proposed outside activity in his or her private capacity – for example, joining the board of a not-for-profit organization or publishing an article. The gift declaration and registration form is used by staff to disclose, register and entrust any gift that could not be refused, to the Administrator through ASD.

12. The Ethics Office was consulted on a number of other UNDP initiatives. For instance, BOM consulted the Ethics Office when updating the integrity, transparency and accountability dimensions of the UNDP Global Staff Survey. The Office was asked for its input into updates by OHR to the special leave policy, including movements of personnel between UNDP and Governments of Member States. In order to safeguard the independence and impartiality of all UNDP staff, it also warned against the presence of Government officials when recruiting project staff. It commented on conflicts of interest prevention provisions, under segregation of duties, that are a part of the internal control framework of the Office of Finance and Administration. The Director of the Ethics Office served as the co-chair of the advisory group on the UNDP accountability project, before the project became folded into overall BOM activities.

Protection against retaliation

13. While the UNDP legal framework was being updated to reflect reforms to the administration of the internal justice system, the Ethics Office extracted provisions to protect staff against retaliation for reporting wrongdoing. In consultation with LSO and OAI, the Office placed these

[11] The Ethics Office continued to support refinement of the System-wide Code of Ethics for United Nations personnel by the Committee, which the Secretary-General presented to the Chief Executives Board as well as the General Assembly.

[12] See DP/2009/25, paragraph 10

[13] ST/AI/2010/1: Reporting, retaining and disposing of honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources

provisions in a stand-alone policy. For the moment, the UNDP policy on protection against retaliation remains substantively unchanged. However, the policy will be significantly revised when the United Nations Ethics Committee finishes its review of the protection policies of its membership. UNDP stakeholders will be consulted on policy changes stemming from the review of the Committee.

14. The United Nations Ethics Office 'protection intake' form was adopted by UNDP to assist staff members making requests for protection against retaliation. The form guides staff in providing relevant information to support their complaints of retaliation. Like the other forms mentioned earlier, it is accessible through the Ethics Office intranet website and is accompanied by a note on the confidentiality policy of the Office.

Expansion of the intranet website of the Ethics Office

15. Central to the Ethics Office communication initiatives in 2009 was the introduction of a new, expanded intranet website in June 2009, a year after the first site was created. The expansion, carried out in cooperation with OIST, took four months and built upon existing information with significant new content, including easy access to relevant regulations, rules and policies. Reasons for updating the website were: (a) to provide better access to documents on required standards of conduct such as the UNDP ethics guides in six United Nations languages; (b) to disseminate forms outlining procedures for complying with those standards; (c) to provide access to brochures on the work and policy areas of the Ethics Office, as well as training materials; and (d) to answer frequently asked questions, such as the differences between the Ethics Office and other offices that provide advice or receive complaints.

16. From June to December, there were approximately 3,500 page views. Most visits were directed to the home page, which contains a general description of the Office and a list of the latest and most helpful documents, forms and announcements. Most of the downloaded material concerned the financial disclosure policy (227 downloads, including instructions, brochures, broadcast messages, and so forth), followed by forms (121 downloads), the information brochure on conflict of interest (82 downloads), the online ethics training (67 downloads), training calendars (64 downloads) and the 2008 annual report (48 downloads).

Adaptation and dissemination of brochures

17. Four different brochures were adapted from the United Nations Ethics Office and disseminated in paper and electronic form. Written in plain language, they cover: (a) an overview of the work of the Ethics Office; (b) confidential advice on preventing conflicts of interest; (c) financial disclosure policy; and (d) protection from retaliation for having reported wrongdoing or cooperated with an audit or investigation. The brochures also form part of the training package, distributed at face-to-face ethics workshops and briefings.

Preparation of an animated presentation on offices to help with workplace conduct

18. To clarify the related mandates of different offices covering ethics, oversight, conflict management, and legal and human resources management, the Ethics Office and LRC are developing an animated presentation to explain the differences between the various internal mechanisms available to staff for addressing workplace concerns. A draft script was circulated to the concerned offices and the staff council. Written in a friendly tone and simple language, the animated presentation will be made available online and on CD-ROM. The Office plans to use it as a briefing tool in face-to-face ethics workshops, and in country office workshops delivered by peer ethics trainers.

B. Training, education and outreach

19. Training and education initiatives are pivotal to the work of the Ethics Office, and it works with management and staff to promote and maintain an organizational culture of integrity and foster adherence to high ethical standards in UNDP. Building on the mandatory online ethics

learning course, the Office continued delivery of face-to-face ethics training in 2009 with the support of LRC, a part-time training adviser, an external facilitation company, and the expanded network of peer facilitators.

20. Other outreach and educational initiatives included general and tailored briefings for groups of staff members at headquarters, country offices, regional cluster meetings, and other workshops. Overall, the Ethics Office increased training and outreach activities well beyond initial forecasts, optimizing limited resources through close collaboration with LRC, and contributing to country office efforts with carefully planned missions and deployment of peer trainers to maximize outreach opportunities.

21. *Mandatory online ethics learning course.* In cooperation with BOM, the Ethics Office continued to promote and monitor compliance with the mandatory online ethics course. The online course (accessible in English, French and Spanish) is a valuable reminder of specific standards of conduct expected of all UNDP staff. In addition, supervisors have been asked to record non-compliance in the 2009 results and competency assessments (RCAs) for their staff members. New staff members joining UNDP are required to complete the online ethics training within three months, similar to other mandatory online training courses.

22. *Face-to-face workshops and briefings.* The values-based ethics workshops are designed to complement the compliance-based online learning course. In 2009, the Ethics Office and external facilitators led – or co-delivered with the peer ethics trainers – 50 sessions of the workshop entitled 'professional ethics and integrity in our daily work'. These workshops were conducted at headquarters, country offices, and within broader training/induction programmes and meetings. Representatives of the Ethics Office provided around 20 briefings in person and via videoconference/skype on the role and mandate of the Office and other ethics-related issues in UNDP. Almost 1,900 UNDP staff and other personnel participated in training sessions (just under 1,400 participants) and briefings (around 500 participants) provided. Figure 4 provides a breakdown of where face-to-face workshops or briefings took place.

Figure 4. Geographic distribution of training and briefings

Latin America and the Caribbean	Arab States	Africa	Asia and the Pacific	Europe and the Commonwealth of Independent States
Chile Cuba El Salvador Guatemala Haiti Panama	Egypt Iraq Jordan Kuwait Lebanon	Uganda Zambia	India Indonesia	Belgium Serbia

23. *Ethics trainers network (training-of-trainers).* Together with LRC, the Ethics Office launched the training-of-trainers network in 2008. The network draws in staff members in different regions for specialized training and certification as ethics workshop facilitators. A training-of-trainers exercise was conducted in Indonesia in early 2009 and, by the end of the year, the network comprised 15 peer ethics trainers at headquarters and different country offices in all the regions. Members of the network work together, along with external ethics training facilitators, or with representatives of the Ethics Office, to launch and support ethics learning and education activities in and across their respective regions.

24. The activities of the network are coordinated by the Ethics Office and LRC through quarterly teleconference meetings. These meetings report and provide guidance on ongoing initiatives, and maintain feedback and communication between the network members, the Ethics Office and LRC. This forum also ensures a consistent approach to the delivery of ethics training as it develops, in

line with needs identified and evolving policies and priorities. Plans are ongoing to consolidate this training and outreach capacity, and further expand the network in 2010.

25. Since the inception of the network, its members – with the goodwill and cooperation of their management in the respective country offices – have worked very proactively with the Ethics Office and LRC to identify opportunities to deliver training within and beyond their respective regions. Of the 31 training workshops in which they were involved, peer trainers generated 12 different ethics workshops and other training events on their own. The Ethics Office made briefings via teleconference or skype and participated in question and answer opportunities at all workshop sessions delivered by network members.

26. *Curricula development, customized training and outreach activities.* Throughout 2009, the Ethics Office together with LRC ensured that an ethics component was included in all induction programmes for staff members. Furthermore, a special session was held for senior management at headquarters in June, at the instigation of the Administrator. The Ethics Office is committed to initiating/responding to requests for progressive customization of ethics training initiatives to serve the needs of UNDP staff members working in particular functional areas. Accordingly, the Office adapted a specialized training module entitled Ethics and integrity in procurement from the United Nations Secretariat for UNDP, delivering it to procurement officers from Latin America and the Caribbean, Asia and the Pacific, Africa, and the Arab States at regional workshops organized by the chair of the advisory committee on procurement. In addition, the Office worked with LSO to adapt the ethics workshop for legal staff. Finally, the Office was included in briefings or outreach activities to, inter alia, the UNDP management group, UNDP/UNFPA/UNOPS staff council, the audit advisory committee, and the new judges serving on the United Nations Disputes Tribunal and the United Nations Appeals Tribunal.

27. In an effort to encourage continuous learning and exchange around the subject of ethics at the corporate level, the Ethics Office invited members of the United Nations Ethics Committee, the staff council, and representatives of relevant UNDP offices to information sessions with the Conflicts of Interest Board of the City of New York, and the joint United Nations Office of Drugs and Crime and World Bank stolen assets recovery initiative. These events provided a forum for the exchange of experiences in areas of mutual interest and concern.

C. Advice and guidance

28. An important function in the mandate of the Ethics Office is the provision of confidential advice and guidance to staff members. This mainly individualized activity helps staff maintain high professional and ethical standards, as well as avoid (or manage) situations that could give rise to a conflict of interest. Over the reporting period, staff members contacted the Ethics Office through various channels to discuss ethics-related issues. These issues involved actual, potential, or apparent conflicts of interest arising from outside activities, the acceptance of goods and services, and other diverse employment-related concerns. Staff also sought clarification of the UNDP regulations, rules and practices.

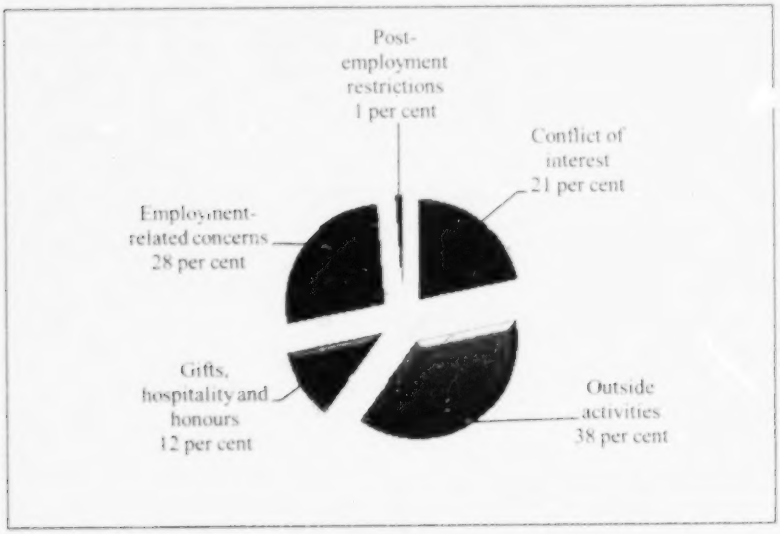
29. On receiving a request for advice, the Office may seek additional information where needed or, on the basis of facts presented in a particular case, it will provide advice and guidance on an appropriate course of action to ensure the issue is resolved in the best interests of UNDP. The Ethics Office tries to respond to requests for advice as soon as possible. Each request may result in a response that varies – from a simple answer, to a referral to undertake detailed (and sometimes time consuming) research or other types of follow-up. For instance, where a staff member seeks advice relating to involvement in an outside activity in his or her private capacity, the Office does research on the nature of the activity. It gets information on the entity, its relationship (if any) with UNDP or other United Nations organizations. It compares the results of its research against the official functions of the staff member in assessing the risks of a potential conflict of interest. The intake form has assisted staff members in providing information relevant to this vetting process. In

2009, the estimated average time in which advice was provided was 3.4 days. Alternately, requests for reviews can be made to the chair of the United Nations Ethics Committee.[14]

30. Through training and outreach activities, the Ethics Office has emphasized that it is not a replacement for established mechanisms for reporting misconduct or redressing grievances. On the contrary, it has to be seen as a place where staff members and management can seek confidential advice on how to handle potential conflicts of interest or ethical dilemmas related to work. To clarify these distinctions, especially in light of the introduction of the new internal justice system in July 2009, the Office updated its list of helpful offices to guide staff members to the appropriate unit for resolving particular concerns.

31. As shown in Figure 5, the 225 requests for advice can be classified as follows: outside activities: 86 (38 per cent); employment-related concerns: 63 (28 per cent); conflicts of interest: 48 (21 per cent); gifts, hospitality and honours: 26 (12 per cent); and post-employment restrictions: 2 (1 per cent). Although employment-related concerns made up the biggest category in 2008 (at 36 per cent), outside activities constituted the largest area of concern in 2009 (at 38 per cent). This change is one indicator of a decrease in enquiries unrelated to the mandate of the Ethics Office.

Figure 5. Advice requests by category


Post-employment restrictions 1 per cent
Conflict of interest 21 per cent
Employment-related concerns 28 per cent
Gifts, hospitality and honours 12 per cent
Outside activities 38 per cent

32. In addition to the advice and guidance provided to UNDP staff and other personnel, the Ethics Office also responded to requests for information from other United Nations organizations and non-governmental organizations.

[14] ST/SGB/2007/11 paragraph 4.3 states: " If, following the receipt of a request for advice or complaint submitted by a staff member in accordance with subparagraph (c) or (e) of section 3 above, the respective Ethics Office does not, within forty-five days, formally consider the request, the staff member may then refer the matter in writing to the chairperson of the United Nations Ethics Committee. Alternatively, if following a final determination by the respective Ethics Office of a matter referred to it by a staff member, the said staff member wishes to have the matter reviewed further, he or she may, in writing, refer the matter to the chairperson of the Ethics Committee."

D. Financial disclosure policy

33. During the reporting period, the Ethics Office undertook four activities to implement the financial disclosure policy of UNDP: (a) although the 2007 financial disclosure exercise had closed in December 2008, the Ethics Office rolled out the 2008 exercise three months later, to be within the annual filing period of March, as required by the policy; (b) the Office continued with the review of filed statements from past exercises; (c) the Office referred cases of non-compliance with filing requirements to LSO for appropriate follow-up action; and (d) in order to improve the filing process and the administration of the review, the Ethics Office and OIST engaged the services of an outside consultant to analyse gaps.

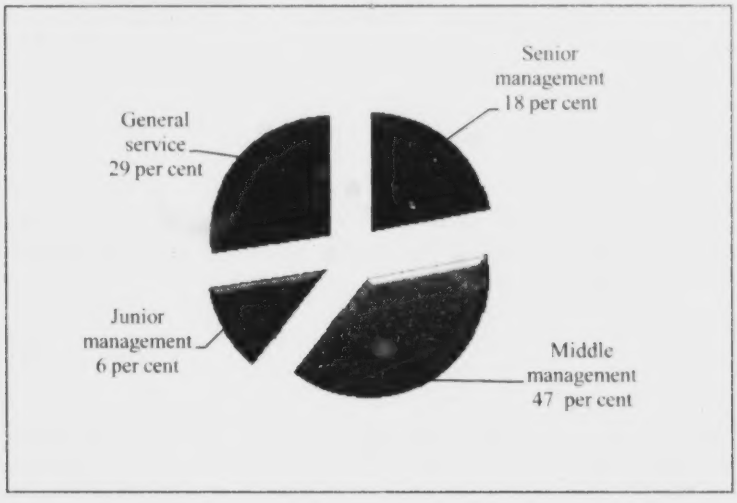
Financial disclosure exercise 2008

34. In partnership with OIST, the Ethics Office conducted the annual financial disclosure exercise for 2008 from 9 March to 9 April 2009. Due to some technology issues, the deadline was extended to 13 April.

35. As in the past, the Ethics Office relied upon the heads of offices and financial disclosure focal points to identify staff members who are required to file under Staff Regulation 1.2(n). The list from the previous year was updated online by the focal points and served as the basis for OIST to create a master database of staff required to comply with the policy. The Ethics Office maintained a help desk during the filing period, as in previous years, maintained by two seasonal consultants at the administrative support level. The help desk received and responded promptly to more than 2,041 e-mail and telephone queries from staff. This represents a decrease of 26 per cent from more than 2,700 individual queries that were received during the 2007 filing exercise. Most of the questions were technical, with the majority focussed on how to fill in and submit the disclosure form.

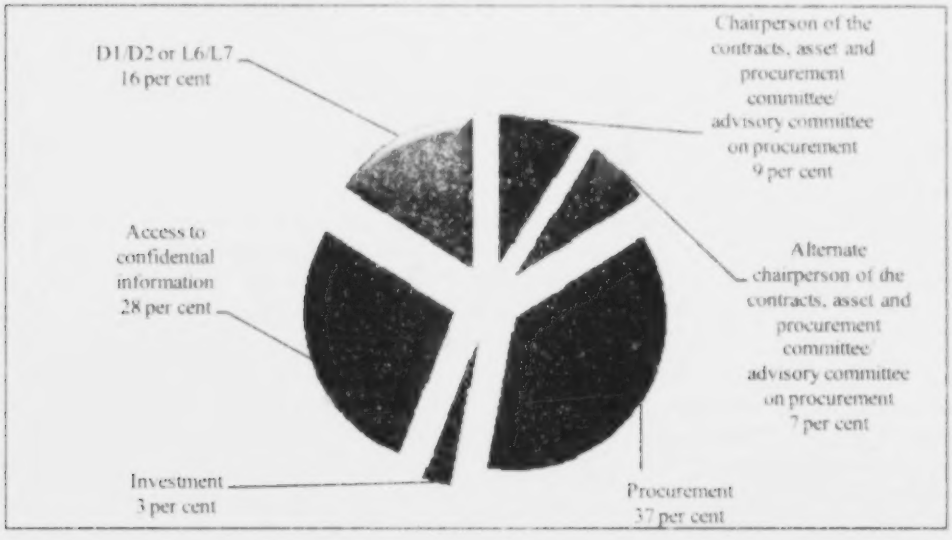
36. Compared with 2006 and 2007, there was a decrease in the number of questions from staff as to why they were required to file. This may be a positive indication of an understanding and acceptance of the preventive goals of the financial disclosure programme. As a result, all of the 1,774 staff members filed, though not all on time. Figure 6 shows that, for the 2008 filing exercise, P4s and P5s (middle management) comprised the biggest category of staff who filed.

Figure 6. Staff who filed for 2008 by rank



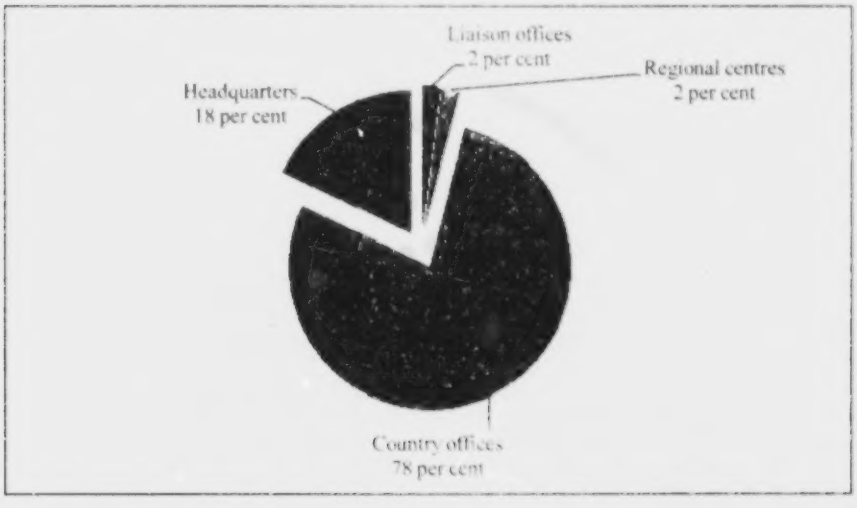
37. Figure 7 shows the proportion of staff members who filed by functional categories – with the largest functional group continuing to be procurement staff. It also shows staff members required to file because of their rank at D1/P6 and above. The 2008 annual report included this category under those with 'access to confidential information'.

Figure 7. Staff who filed for 2008 by function


D1/D2 or L6/L7
16 per cent
Chairperson of the contracts, asset and procurement committee/ advisory committee on procurement
9 per cent
Access to confidential information
28 per cent
Alternate chairperson of the contracts, asset and procurement committee/ advisory committee on procurement
7 per cent
Investment
3 per cent
Procurement
37 per cent

38. The majority of staff members who were required to file the 2008 financial disclosure were based in country offices, as seen in figure 8. The breakdown by location remains largely unchanged from the 2007 filing exercise.

Figure 8. Staff who filed for 2008 by location



Follow-up on non-compliance with filing requirements for 2006 and 2007

39. There were 11 cases of non-compliance with filing requirements, stipulated by Staff Regulation 1.2(n). Of these, nine staff members did not file for 2006, and two did not file for 2007. The Ethics Office consulted with LSO on these cases, which were then referred to OAI for appropriate follow-up action. Through action taken by OAI, it was revealed that one staff member had separated. Of the remaining 10, one staff member did not have to file. Of the remaining nine cases, the Ethics Office received seven filed statements, with two cases remaining for appropriate follow-up action.

40. The Ethics Office also liaised with OAI and the LSO on five cases of UNDP staff members who were seconded to the Secretariat and had not complied with the filing requirements of the Secretariat for 2006.

Review of data for the transaction years 2006, 2007 and 2008

41. The Ethics Office began reviewing data in 2008 for the transaction years 2006 and 2007. However, it decided to complete the reviews once the statements for 2008 had been received. The review and assessment of data for 2006, 2007, and 2008 contained in 5,089 statements is ongoing. In October 2009, as part of the review process, the Office e-mailed 1,775 staff members who had filed in 2006, 2007, or 2008 to request missing or clarifying information, or answers to follow-up questions.

42. Data is reviewed in a three-step process. The Ethics Office ensures individual statements are complete and its information is consistent. It then compares individual statements against a restricted list of UNDP vendors and investment funds for the filing year. As a final step, it examines outside interests and activities of filing staff (and their family members) against relevant prohibitions or restrictions contained in the staff regulations and rules. These comparisons are made bearing in mind the functions and duty station of the staff member. The aim of the review is to clear the filing staff of actual, potential or apparent conflicts of interest, and where needed, the Office communicates with the individual staff member on the best ways to regulate such situations.

43. Given the level of resources available to the Ethics Office, e-mail was the quickest, most inexpensive form of contacting staff; it is in line with other electronic financial disclosure filing systems currently in use by the United Nations system, as well as other national and sub-national jurisdictions. The e-mails included computer-generated questionnaires that asked for missing data needed to complete the conflict of interest analysis. In order to improve filing and review processes, the Ethics Office and OIST engaged the services of an outside consultant to conduct a "fit-gap" analysis of the information technology support to the online filing procedures.

Fit-gap analysis of online filing and review procedures

44. As a result of this analysis, proposed improvements to the online filing application would allow filing staff to view disclosed data from the previous year without compromising high-levels of data security. By preloading this data, it will allow the filing staff to simply update rather than re-enter data, thus contributing to better and more timely compliance. Additionally, introducing report-generation features will assist the Ethics Office in the review process. Such improvements would allow the Ethics Office to ask staff whose filing requires follow-up action to make changes/updates directly in the online application and also allow the Ethics Office to introduce financial disclosure filings throughout the year for new staff and those entering filing categories for the first time. This would fulfil a valuable risk-management function of the policy.

E. Protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations

45. Currently, UNDP provisions for protecting staff against retaliation have been extracted from the UNDP legal framework as a separate policy; it is an anti-corruption policy, rather than another provision for channeling staff grievances. In this sense, protection can only be triggered when staff members experience retaliation because they have reported wrongdoing or cooperated with a duly authorized audit or investigation. Once the Ethics Office receives a complaint of retaliation, it conducts a preliminary review to determine whether there is a prima facie case. If no prima facie case is established, the complainant is advised of the most appropriate internal mechanism for resolving the concern. Where a prima facie case is established, the case is referred to OAI for investigation. The director of the Ethics Office may also make a recommendation to the Administrator for interim protective measures to be implemented, where warranted, pending the outcome of an investigation.

46. At the investigation stage, the onus is on the administration to show that it would have taken the same action against the complainant, absent the protected activity. Where the organization cannot prove that it would have acted the same way absent the protected activity, de facto, there is a finding of retaliation. The Office can recommend that the Administrator approves restitution. After a final determination has been made, the complainant may seek a review by the chair of the United Nations Ethics Committee.

47. In 2009, the Ethics Office received eight complaints of retaliation and three related complaints, which were treated as advisory matters. Of the eight, one fell outside the mandate of the Office, was referred to an appropriate unit, and advice was provided to the complainant. In two cases, the Office assessed that there was a threat of retaliation and made a recommendation to the appropriate office for action to be taken in order to avoid implementation of the threatened action. The recommendation was accepted, and retaliation was prevented in both cases. Of the remaining four cases that warranted a preliminary review, a prima facie case of retaliation was determined. These cases were sent to OAI. In one case, interim protective measures were recommended, pending the conclusion of the investigation. At the conclusion of that investigation, retaliation was not substantiated. Investigation reports are pending in the other three cases.

48. Of the cases concluded in 2008, two staff members requested a review by the chairperson of the United Nations Ethics Committee. In one case, after consultation with the Committee, the chairperson concurred with the determination of no retaliation. In the other case, on three out of seven alleged instances of retaliation, the chairperson did not concur with the findings of no retaliation by the Ethics Office, and recommended relief. Figure 9a provides an overview of the outcomes of the protection process for complaints received in 2009 and figure 9b provides a review of the two retaliation cases from 2008, by the chairperson of the United Nations Ethics Committee.

IV. United Nations Ethics Committee

49. In 2009, the United Nations Ethics Committee was convened nine times. The UNDP Ethics Office participated in all meetings and hosted two. Throughout the year, the UNDP Ethics Office actively participated in all discussions and put forward four agenda items for system-wide clarification and harmonization. For more information on the work of the United Nations Ethics Committee, please refer to the report of the Secretary-General on the activities of the Ethics Office, presented at the sixty-fourth session of the General Assembly (A/64/316).

Figure 9a. Overview of requests for protection against retaliation

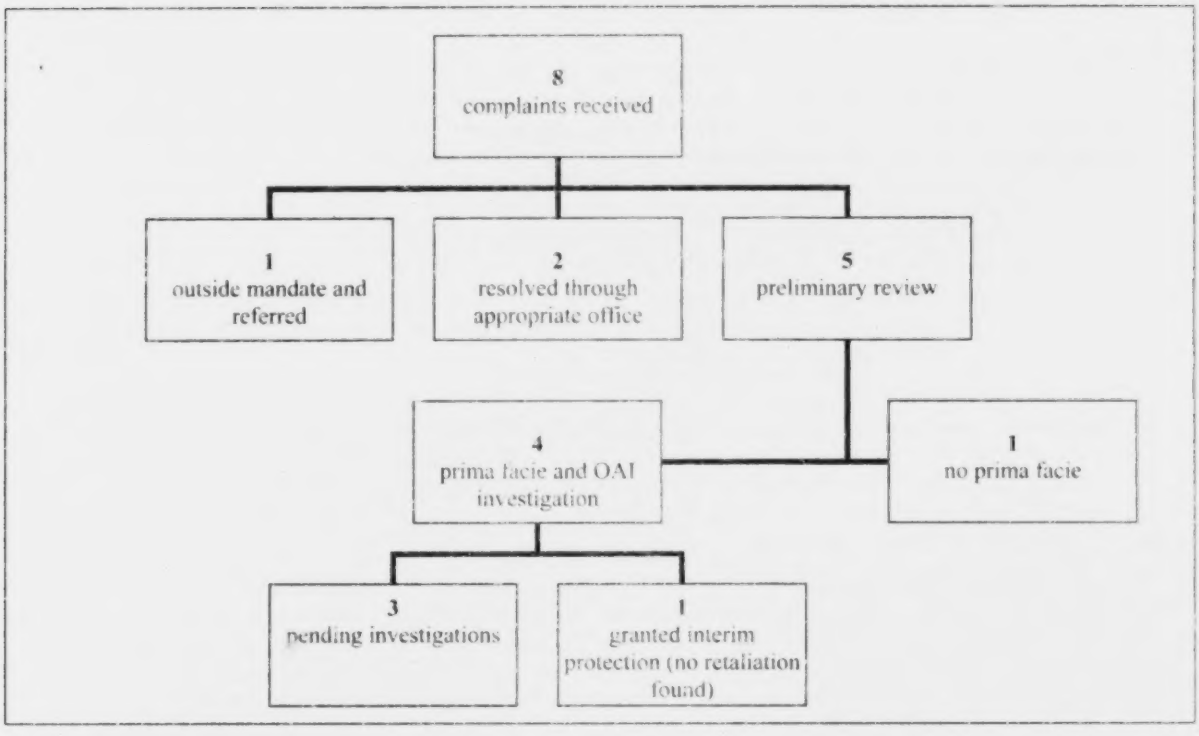
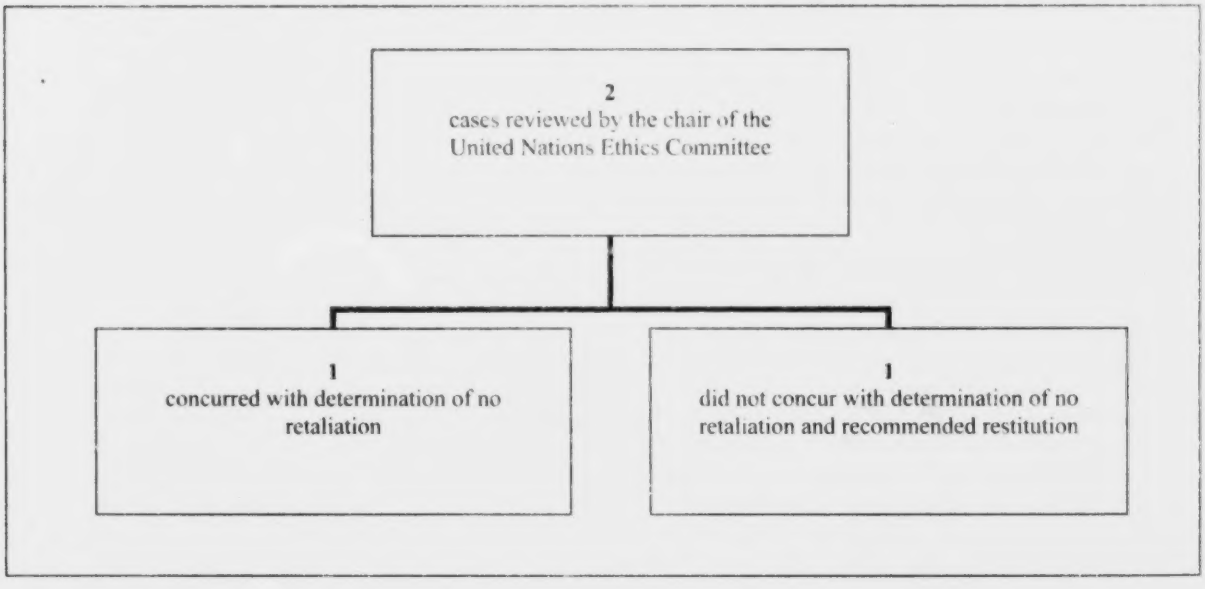


Figure 9b. Review of retaliation cases from 2008


2
cases reviewed by the chair of the United Nations Ethics Committee
1
concurred with determination of no retaliation
1
did not concur with determination of no retaliation and recommended restitution

V. Conclusion

50. This report provides an update on the Ethics Office since its creation two years ago. Whereas establishing the Office was a priority in the first year of operation, communicating its mandate and work was a priority in its second year. A doubling of requests for services in 2009 might be attributed to the emphasis on communication. The Office has continued to emphasize prevention through awareness-raising, training, confidential advice, and managing for risks of conflicts of interest through the financial disclosure activities. It has highlighted the fact that protecting those who report wrongdoing is in the ultimate interest of UNDP and efforts by the organization to efficiently and effectively deliver sustainable human development activities.

51. The Office has tried to address the various challenges in reaching its goals and carrying out the work noted in the conclusion of its report last year.[15] To overcome the geographic decentralization of UNDP, it has emphasized updating its Intranet website and working with the network of peer trainers, already in the field. To address confusion over the related mandates and overlap in the boundaries of the offices involved in advising personnel or receiving complaints, it has produced brochures and is preparing an animated presentation on the distinctions among the offices. It has consulted with relevant offices to better advise on standards of conduct (for example, pertaining to outside activities, receipt of gifts, and so forth.). With OIST, it has been working on improving financial disclosure filing and review procedures, to make them more responsive and efficient.

52. As the Ethics Office enters its third year of operation, it will focus on institutionalizing its role and activities. When staff members understand that financial disclosure can not only safeguard organizational interests but also protect their reputation, they may more readily take part in filing and review procedures, and such an acceptance would be an indicator of institutionalization of this risk management programme. Staff members may routinely seek conflict of interest advice when they begin to understand the complex interface of private lives and official duties. When UNDP personnel understand that the organization is committed to protecting them from detrimental action if they report wrongdoing, they may more likely disclose corruption and other misconduct.

53. These processes of institutionalization should be woven through UNDP by means of shared goals, strengthened through networks of peer trainers and financial disclosure policy focal points. The institutionalization of the ethics policies and activities in UNDP would join the institutionalization of the ethics function in the United Nations system, particularly through the work of the United Nations Ethics Committee. The combined effect of the resulting behavioural changes among United Nations staff and other personnel would be to "…cultivate and nurture a culture of ethics, integrity and accountability, and thereby enhance the trust in, and the credibility of, the United Nations, both internally and externally"[16].

54. Based on the growing number of requests for advice, and the feedback received during the first two years of operations, the Ethics Office reaffirms the values defined in the Code of Ethics for United Nations Personnel – independence, loyalty, impartiality, integrity, accountability and respect for human rights[17]. UNDP staff, as international civil servants, should refrain from political activities and other outside affiliations, public pronouncements, and accepting honours or gifts that impinge – or may seem to impinge upon – their independence and impartiality. Moreover, they need to embrace their roles and responsibilities as international public administrators and stewards of public resources and the accountabilities that they face as a result. The greater acceptance of these roles and responsibilities by management and staff may contribute to reducing work-related grievances and increase focus and energy on supporting development partners to achieve the Millennium Development Goals.

---

[15] See DP/2009/25: UNDP: activities for 2007 – 2008, Report of the Ethics Office, chapter VI, conclusion

[16] ST/SGB/2007/11, Paragraph 1.1

[17] Annex of A/64/316: Activities of the Ethics Office: Report of the Secretary-General